



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

BJG  
Docket No: 1984-99  
22 April 1999

SSGT [REDACTED] USMC  
[REDACTED]

Dear Staff Sergeant [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 April 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 18 March 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the report of the PERB. They found that the narrative of your contested fitness report does not reiterate your section B marks, nor is it unduly vague. They were unable to find that your reporting senior did not counsel you on your performance before you received the contested report. In any event, they generally do not grant relief on the basis of an alleged absence of counseling, since counseling takes many forms, so the recipient may not recognize it as such when it is provided. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

1984-99

IN REPLY REFER TO:  
1610  
MMER/PERB  
MAR 18 1999

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)  
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF STAFF  
SERGEANT [REDACTED], USMC

Ref: (a) SSgt. [REDACTED] DD Form 149 of 22 Jan 99  
(b) MCO P1610.7C w/Ch 1-6

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 16 March 1999 to consider Staff Sergeant [REDACTED]'s petition contained in reference (a). Removal of the fitness report for the period 920701 to 921026 (CH) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends that the comments in Section C fail to "properly address" the marks in Section B and forces the reader to "read between the lines" to comprehend the full meaning of the evaluation. She also infers the report was utilized as a "counseling tool" and believes it has played a major role in her failure to be selected for promotion to the grade of gunnery sergeant.

3. In its proceedings, the PERB concluded that the report is both administratively correct and procedurally complete as written and filed. The following is offered as relevant:

a. Contrary to the petitioner's assertions and arguments, the Board does not discern any inconsistency between the ratings assigned in Section B and the narrative comments in Section C. While the verbiage in Section C is admittedly brief, that does not negate the validity of the overall evaluation.

b. Although the petitioner states the report is not a fair or accurate evaluation of her performance, reference (a) is lacking any documentation that would show precisely how she should have rated more than what has been recorded. To this end, the Board concludes that the petitioner has failed to meet the burden of proof necessary to establish either an error or an injustice.

c. While the petitioner may believe the report at issue has hindered her promotional opportunities, the Board is quick to point out that "non-competitive" and "adverse" are not

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synonymous. It must be kept in mind that the adversity of any performance evaluation lies within the recorded performance, not in its impact on competitiveness.

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness report should remain a part of Staff Sergeant [REDACTED] official military record.

5. The case is forwarded for final action.

[REDACTED]  
Chairperson, Performance  
Evaluation Review Board  
Personnel Management Division  
Manpower and Reserve Affairs  
Department  
By direction of the Commandant  
of the Marine Corps